Notice of Allowability	Application No.	plication No. Applicant(s)	
	10/027,746	BOGEN ET AL.	
	Examiner	Art Unit	
	Jeffrey R. Snay	1743	
The MAILING DATE of this communication appearable claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIOF the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate commits GHTS. This application is:	n this application. If not included	urea TUIS
1. This communication is responsive to applicant's persuasive	e response filed 03-22-04.		
2. The allowed claim(s) is/are <u>1-13</u> .			
3. \square The drawings filed on <u>20 December 2001</u> are accepted by	the Examiner.		
 4. Acknowledgment is made of a claim for foreign priority una) a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 	been received. been received in Application	on No	n from the
Applicant has THREE MONTHS FROM THE "MAILING DATE" on noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file ENT of this application.	a reply complying with the requir	rements
5. A SUBSTITUTE OATH OR DECLARATION must be submi INFORMAL PATENT APPLICATION (PTO-152) which give	tted. Note the attached EXAs reason(s) why the oath o	AMINER'S AMENDMENT or NOT reclaration is deficient.	ICE OF
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") mus (a) ☐ including changes required by the Notice of Draftsperso 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the paper No./Mail DEPOSIT OF and/or INFORMATION shout the deposit	on's Patent Drawing Review Amendment / Comment or 84(c)) should be written on the header according to 37 CF	r in the Office action of the drawings in the front (not the bac R 1.121(d).	
 DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT F 	FOR THE DEPOSIT OF BIO	ERIAL MUST DE SUDMITTED. Note)LOGICAL MATERIAL.	∍ the
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO 1440 or PTO/SP/08)	6.	 5. ☐ Notice of Informal Patent Application (PTO-152) 6. ☐ Interview Summary (PTO-413), Paper No./Mail Date 7. ☑ Examiner's Amendment/Comment 	52)
 ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08) Paper No./Mail Date ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 	, _	Amendment/Comment Statement of Reasons for Allowar - Jeffrey R. Snay Primary Examiner Art Unit: 1743	nce

Application/Control Number: 10/027,746 Page 2

Art Unit: 1743

Election/Restrictions

1. Newly submitted claim14-17 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The newly recited claims are directed to a combination which does not require all the features of the originally presented subcombination. Additionally, the subcombination would find alternative applicability in heating slides in processes not involving staining, such as for incubation.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14-17 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. This application is in condition for allowance except for the presence of claims 14-17 to an invention which was non-elected by original presentation. Accordingly, claims 14-17 have been cancelled.

Terminal Disclaimer

3. The terminal disclaimer filed on 03/22/04 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,183,693 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

4. Claims 1-13 are allowed.

Art Unit: 1743

5. The following is an examiner's statement of reasons for allowance: Applicant's arguments, filed 03/22/04, adequately establish that the instant claims in fact differ in scope, although only slightly, from those of US 6,183,693. As such, the double patenting rejection is obviated by the proper terminal disclaimer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Snay whose telephone number is (571) 272-1264. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey R. Snay

Application/Control Number: 10/027,746

Art Unit: 1743

Primary Examiner Art Unit 1743

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Page 4